

1)  
In Convention  
Assembly Chamber, State Capitol.

Sacramento,

Tuesday Sep. 27 1878

Convention met pursuant  
to adjournment.

President Hoze in the Chair

Roll called and the  
following members  
were absent—

# Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -
ANDREWS	1		FAWCETT			LAVIGNE			SHOEMAKER	8	
AYERS	2		FILCHER	6		LEWIS	1		SHURTLEFF	9	
BARBOUR	1		FINNEY	7		LINDOW	2		SMITH	80	
BARNES	3		FREEMAN	1		MANSFIELD	3		SMITH	1	
BARRY	1		FREUD	8		MARTIN			SMITH	2	
BARTON	4		GARVEY	9		MARTIN	4		SMITH	2	
BEERSTECHER	5		GLASSCOCK	30		MARTIN			SMITH	2	
BELCHER	6		GORMAN	1		McCALLUM	5		SOULE	3	
BELL			GRACE	1		McCOMAS			STEDMAN	4	
BERRY			GRAVES			McCONNELL	6		STEELE	5	
BIGGS	7		GREGG			McCOY	1		STEVENSON	6	
BLACKMER	8		HAGER			McFARLAND			<del>STRONG</del>		
BOGGS	9		HALE	1		McNUTT	9		STUART	7	
BOUCHER			HALL			MILLER	8		SWEASEY	8	
BROWN	10		HARRISON	2		MILLS	9		SWENSON	9	
BURT	1		HARVEY	3		MOFFAT	60		SWING		
CAMPBELL	2		HEISKELL	4		MORELAND	1		TERRY	90	
CAPLES	1		HEROLD	5		MORSE	2		THOMPSON	1	
CASSERLY			HERRINGTON			MURPHY	3		TINNIN	2	
CHAPMAN	3		HILBORN	6		NASON	3		TOWNSEND	3	
CHARLES	4		HITCHCOCK	7		NELSON	1		TULLY	4	
CONDON	5		HOLMES	8		NEUNABER	4		TURNER	5	
COWDEN	6		HOWARD	1		NOEL			TUTTLE	6	
CROSS	1		HUESTIS	9		O'DONNELL	5		VACQUEREL	7	
CROUCH	7		HUGHEY	40		OHLEYER	6		VAN DYKE	8	
DAVIS	8		HUNTER	1		O'SULLIVAN	7		VAN VOORHIES	180	
DEAN	9		INMAN	2		OVERTON	8		WALKER		
DOWLING	20		JOHNSON	3		PORTER	9		WALKER	1	
DOYLE	1		JONES			PROUTY	20		WALKER	1	
DUDLEY			JOYCE	4		PULLIAM			WATERS		
DUDLEY	2		KELLY	5		REDDY	1		WEBSTER	2	
DUNLAP	1		<del>KELLY</del>			REED	2		WELLER	3	
EAGON			KEYS	6		REYNOLDS	3		WELLIN	1	
EDGERTON			KLEINE	7		RHODES	4		WEST	4	
ESTEY	3		LAINÉ			RINGGOLD	5		WICKES	3	
ESTEE	4		LAMPSON	8		ROLFE			WHITE	5	
EVEY	5		LARKIN	9		SCHELL			WILSON		
FARRELL	1		LARUE	50		SCHOMP	6		WILSON	7	
						SHAFTER	7		WILSON	7	
									WINANS	8	
									WYATT	9	
									Mr. PRESIDENT	110	

AYES

NOES

3)

### Leave of absence.

Leave of absence was granted for one day to Messrs. McFarlane, Schell, Noel, Jones and Martin of Alameda, and indefinite leave to Messrs. Pulliam and Murphy.

On motion of Mr. Felted the reading of the journal was dispensed with and the same approved.

### Reports.

Mr O'Sullivan presented a minority report from the committee on Land and Homestead Exemption.

On motion of Mr. O'Sullivan

4) 960 copies of the report and  
also the report of the majority  
of same committee were ordered  
printed.

By Mrs. ~~Whitson~~ Hilborn

5  
Mr President

Your Committee on  
Milage and Contingent Expenses have  
had under consideration the resolution  
offered by Mr Overton providing for  
the payment of Ten dollars to J. J. Flynn  
for services as Clerk of the Committee on  
State Institutions and Public Buildings  
~~have~~ herewith report the same back  
and recommend that it be adopted.

S. S. Wilborn  
for the Committee

6)  
The report received and  
the following resolution  
taken up and adopted:

Resolved: That the sum  
of ten dollars be and is  
hereby ordered to be paid  
out of the funds of this  
convention to J. J. Flynn  
for services rendered as  
Clerk to the committee  
on State institutions and  
Public Buildings.

Pay Mrs. Miller.

7/  
Mr President.

The Committee on Chinese to whom was recommitteed the Memorial to the President, Senate, and House of Representatives of the United States on the subject of Chinese immigration beg leave to report the draft of a Memorial ~~which~~ accompanying this report for the action of the Convention.

Respectfully submitted

W. M. Miller

Chairman

Sacramento  
Dec 17, 1878

72  
The following memorial  
reported by the committee  
was unanimously adopted:



1 To the Senate and House of Representatives of  
2 the United States

3 The people of the State of  
4 California, by their delegates now assembled  
5 in Constitutional Convention, respectfully  
6 present to the Honorable <sup>the</sup> Senate and House  
7 of Representatives of the United States this  
8 Memorial, the object and purpose of  
which is, to invoke the exercise of the  
Supreme National authority, for relief from  
Chinese immigration, an evil of such mag-  
nitude and of a character so threatening,  
to the highest interests of the State, as to  
excite in the minds of our whole people,  
the most serious dissatisfaction and alarm.

As became a people devoted to the National  
Union, and filled with a profound reverence  
for law, we have repeatedly, by petition  
and memorial, through the action of our  
legislature, and by our Senators and  
representatives in Congress, sought the appro-  
priate remedies against this great wrong,  
and patiently awaited with confidence, the  
action of the General Government. Meanwhile,  
this giant evil has grown and strengthened  
and expanded: its baneful effect upon the  
material interests of the people, upon public  
morals and our civilization becoming more  
and more apparent, until patience is

9.)  
almost exhausted and the spirit of discontent pervades the state. It would be disingenuous in us to attempt to conceal our amazement at the long delay of appropriate action by the National Government, toward the prohibition of an immigration, which is rapidly approaching the character of an oriental invasion, and which threatens to supplant Anglo Saxon civilization on this coast. If the facts relating to this immigration now patent to all observers; if the ascertained knowledge now within the reach of every intelligent man, will not serve to awaken an interest upon this subject, in the minds of the governing power of this nation, we are tempted to despair of ever reaching a remedy. If it be supposed, as has been often said, that the hostility to Chinese immigration is confined to a small and ignorant class of our people, we protest against such an assumption. The discontent from this cause is almost universal. It is not limited to any political party, nor to any class or nationality. It does not spring from race antipathies, nor alone from economic considerations, nor from any religious sentiment, nor from low hatreds or mercenary motive.

We submit that our people being interested to a greater extent, in commerce with China, than any other portion of the American people,

10 8  
the reasons for this hostility to Chinese immigration must be considered overwhelming, when sufficient to array the whole body of our people against a treaty, which was intended to secure to that people more than to any other, the great benefits to be derived from Asiatic Commerce. Our sincerity cannot therefore be doubted. Since we are willing to forego all the benefits of Commerce with China, ~~rather~~ if need be, rather than suffer the ills which this immigration must inevitably entail upon us and our descendants.

Among the many reasons for our opposition to Chinese immigration, all of which cannot be stated in a brief Memorial, we submit the following.

1. The country being now stocked with vigorous, intelligent, progressive and highly civilized people, there is no need of immigration for the increase of our population; certainly not of the immigration of a non-assimilative ~~and~~ and alien race.

2. That considering the character of Chinese immigrants in respect of their habits and modes of life, and physical peculiarities, this immigration operates as a substitution of Chinese, for white men of the Caucasian race, and not as an addition to our population; the question being, shall Chinese ultimately occupy the Country, or shall it be held for the homes of men of the Caucasian race.

11

3. There is danger of an immense increase of Chinese immigrants in the near future. The effect of the famine now unhappily prevailing in the northern provinces of China is certain to cause a migration of greater proportions than any known in the history of the human races. The fear of hunger will drive the survivors of this ~~prodigious~~ calamity forth in prodigious numbers, in quest of food, eastward, because there is no other outlet, and California offers the most fruitful fields for their sustenance. The speculators in Chinese labor, will if permitted, seize this opportunity, to augment their fortunes, by the importation of these hunger driven creatures, into our ports. This invasion is to be dreaded by us more than a hostile invasion by armed men. For upon the first note of alarm from such a cause the nation would hasten to our rescue and defense.

4. The Chinese bring with them habits and customs the most vicious and demoralizing. They are scornful of our laws and institutions. They establish their own tribunals for the redress of wrongs and injuries among themselves, independent of our Courts, and subject the victims of such tribunals to secret punishments the most barbarous and terrible. In our cities they live crowded and herded like beasts, generating the most dangerous diseases. They introduce the ancient, infectious and incurable malady called leprosy, the germs of which when

once distributed, can never be eradicated, but fasten themselves upon the people as <sup>an eternal</sup> a consuming rot. They poison our youth in both mind and body. They build no homes. They are <sup>generally</sup> destitute of moral principle. They are incapable of patriotism and are utterly unfitted by ~~a~~ <sup>their</sup> ~~here~~ for American citizenship. Their existence here in great numbers is a perpetual menace to republican institutions, a source of constant irritation and danger to the public peace.

5. The system of labor which results from their presence, is a system which includes all or nearly all the vices of slavery, without the conservative influence, which is incident to the domestic or paternal relation between Master and slave. It degrades labor to the standard of mere brute energy, and thus excludes the labor of free white men, who will not, and cannot endure the degradation of competition with servile labor. Chinese labor is therefore substituted for the labor of free white men and the State is afflicted with a quasi-slave system, under which Chinese population supplants white American citizens and drives <sup>them</sup> to other fields or to starvation.

The necessary brevity of this Memorial forbids the <sup>further</sup> enlargement of facts and reasons for the almost universal hostility <sup>in California</sup> to this

immigration. We beg the earnest attention of the Government at Washington to this subject, fraught with immense interest to us, and as we believe to the whole people of the United States. Whatever the State of California may lawfully do, to abate or mitigate this evil, it has resolved to do, declaring however <sup>our</sup> ~~its~~ settled determination, to avoid all conflict with the National authority, and to limit our action to the exercise of the police power of the State. We ask most earnestly and respectfully of the Congress of the United States such prohibitory legislation as will effectually prevent the further immigration of Chinese coolies or laborers into the <sup>American</sup> ports of this Coast.

Mr. Shaftes moved that the  
 the secretary have the same  
 properly engrossed, and present  
 the same to each member of  
 this convention for his signa-  
 ture:-

so ordered.

### Committee of the Whole.

on motion of Mr. Terry  
 the convention resolved  
 itself into committee of  
 the whole - President Hoze in  
 the chair - to consider the  
 following article repor-  
 ted by the committee on  
 Legislative department.

15/  
**Amendment.**

**No. 501.**

~~RELATIVE TO LEGISLATIVE DEPARTMENT.~~

**ARTICLE IV.**

**LEGISLATIVE DEPARTMENT.**

SECTION 1. The legislative power of this State shall be vested in a  
2 Senate and Assembly, which shall be designated the Legislature of the State  
3 of California, and the enacting clause of every law shall be as follows: "The  
4 People of the State of California, represented in Senate and Assembly, do  
5 enact as follows."

SEC. 2. The sessions of the Legislature shall be biennial, and shall  
2 commence on the first Monday after the first Tuesday in January next ensu-  
3 ing the election of its members, at twelve o'clock M., unless the Governor  
4 shall, in the interim, convene the Legislature by proclamation. No session  
5 shall continue longer than sixty days, except the first session called after the  
6 adoption of this Constitution, which may continue eighty days. And no  
7 bill shall be introduced, in either House, during the last ten days of the ses-  
8 sion without the consent of two-thirds of the members of said House.

SEC. 3. The members of the Assembly shall be chosen biennially, by  
2 the qualified electors of their respective districts, on the first Tuesday after  
3 the first Monday in November, and their term of office shall be two years.

SEC. 4. Senators shall be chosen for the term of four years, at the  
2 same time and places as members of the Assembly, and no person shall be a  
3 member of the Senate or Assembly who has not been a citizen and inhabitant  
4 of the State, and of the district for which he shall be chosen, one year next  
5 before his election.

SEC. 5. The Senate shall consist of thirty members, and the Assembly  
2 of sixty members, to be elected by districts, as hereinafter provided. The  
3 seats of the fifteen Senators from the odd number districts, chosen at the first  
4 election under this Constitution, shall be vacated at the expiration of the sec-  
5 ond year, so that one-half of the Senate, after the first election, shall be chosen  
6 every two years.

SEC. 6. For the purpose of choosing members of the Legislature, the  
2 State shall be divided into thirty districts, as nearly equal in population as  
3 may be, and composed of contiguous territory, to be called legislative dis-  
4 tricts. Each district shall choose one Senator and two members of the Assem-  
5 bly. The districts shall be numbered from one to thirty, inclusive, in numerical  
6 order, commencing at the northern boundary of the State, and ending at the  
7 southern boundary thereof. In the formation of said districts, no county, or  
8 city and county, shall be divided, unless it contain sufficient population within  
9 itself to form two or more districts; nor shall a part of any county, or city  
10 and county, be united with any other county, or city and county, in forming  
11 any district. The census taken under the direction of the Congress of the  
12 United States, in the year one thousand eight hundred and eighty, and every

13 ten years thereafter, shall be the basis of fixing and adjusting the legislative  
 14 districts; and the Legislature shall, at its first session after each census,  
 15 adjust said districts and re-apportion the representation so as to preserve them  
 16 as near equal in population as may be. But in making such adjustment no  
 17 persons who are not eligible to become citizens of the United States, under the  
 18 naturalization laws, shall be counted as forming the population of any dis-  
 19 trict. Until such adjustment shall be made, the First District shall consist of  
 20 the Counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta, and Trinity;  
 21 the Second, of the Counties of Humboldt and Mendocino; the Third, of the  
 22 Counties of Tehama and Butte; the Fourth, of the Counties of Colusa, Lake,  
 23 and Sutter; the Fifth, of the County of Sonoma; the Sixth, of the Counties  
 24 of Marin, Napa, and Contra Costa; the Seventh, of the Counties of Solano  
 25 and Yolo; the Eighth, of the Counties of Sierra, Yuba, and Plumas; the  
 26 Ninth, of the County of Nevada; the Tenth, of the Counties of Placer and  
 27 El Dorado; the Eleventh, of the County of Sacramento; the Twelfth, of the  
 28 Counties of Calaveras, Alpine, and Amador; the Thirteenth, of the County  
 29 of San Joaquin; the Fourteenth, of that portion of the City and County of San  
 30 Francisco bounded and described as follows, to wit: Beginning at a point where  
 31 Larkin Street intersects the waters of the Bay of San Francisco; thence  
 32 meandering along the shore of said bay, in an easterly and southeasterly direc-  
 33 tion, to the point where Market Street intersects said bay; thence along Mar-  
 34 ket Street to California Street; thence along California Street to Kearny  
 35 Street; thence along Kearny Street to Vallejo Street; thence along Vallejo  
 36 Street to Larkin Street; and thence along Larkin Street to the waters of the  
 37 Bay of San Francisco, the place of beginning. The Fifteenth, of that portion of  
 38 the City and County of San Francisco bounded and described as follows, to  
 39 wit: Beginning at the point where Larkin Street intersects Vallejo Street;  
 40 thence along Vallejo Street to Kearny Street; thence along Kearny Street

41 to California Street; thence along California Street to Market Street; thence  
 42 along Market Street to Kearny Street; thence along Kearny Street to Pine  
 43 Street; thence along Pine Street to Larkin Street; and thence along Larkin  
 44 Street to Vallejo Street, the place of beginning. The Sixteenth, of that portion  
 45 of the City and County of San Francisco bounded and described as follows,  
 46 to wit: Beginning at the point where Franklin Street intersects Pine Street;  
 47 thence along Pine Street to Kearny Street; thence along Kearny Street  
 48 to Market Street; thence along Market Street to Van Ness Avenue; thence  
 49 along Van Ness Avenue to Tyler Street; thence along Tyler Street to Gough  
 50 Street; thence along Gough Street to Geary Street; thence along Geary  
 51 Street to Franklin Street; and thence along Franklin Street to Pine Street,  
 52 the place of beginning. The Seventeenth, of that portion of the City and  
 53 County of San Francisco bounded and described as follows, to wit: Beginning  
 54 at the point where Larkin Street intersects the waters of the Bay of San  
 55 Francisco; thence along Larkin Street to Pine Street; thence along Pine  
 56 Street to Franklin Street; thence along Franklin Street to Geary Street;  
 57 thence along Geary Street to Gough Street; thence along Gough Street to  
 58 Tyler Street; thence along Tyler Street to Van Ness Avenue; thence along  
 59 Van Ness Avenue to Market Street; thence along Market Street to Ridley  
 60 Street; thence along Ridley Street, and said Ridley Street produced in a  
 61 direct line westerly to the Pacific Ocean; and thence meandering northerly  
 62 and easterly along the waters of the Pacific Ocean and the Bay of San Fran-  
 63 cisco to Larkin Street, the place of beginning. The Eighteenth, of that por-  
 64 tion of the City and County of San Francisco bounded and described as fol-  
 65 lows, to wit: Beginning at the point where Market Street intersects the waters  
 66 of the Bay of San Francisco; thence meandering along the waters of said  
 67 bay to the point where Channel Street intersects the waters of said bay;  
 68 thence along Channel Street to Seventh Street; thence along Seventh Street

69 to Harrison Street; thence along Harrison Street to Second Street; thence  
 70 along Second Street to Market Street; and thence along Market Street to the  
 71 waters of the Bay of San Francisco, the place of beginning. The Nineteenth,  
 72 of that portion of the City and County of San Francisco bounded and de-  
 73 scribed as follows, to wit: Beginning at the point where Second Street inter-  
 74 sects Market Street; thence along Second Street to Harrison Street; thence  
 75 along Harrison Street to Sixth Street; thence along Sixth Street to Market  
 76 Street; and thence along Market Street to Second Street, the place of begin-  
 77 ning. The Twentieth, of all that portion of the City and County of San Fran-  
 78 cisco bounded and described as follows, to wit: Beginning at the point where  
 79 Sixth Street intersects Market Street; thence along Sixth Street to Harrison  
 80 Street; thence along Harrison Street to Seventh Street; thence along Seventh  
 81 Street to Channel Street; thence along Channel Street to Harrison Street;  
 82 thence along Harrison Street to Fifteenth Street; thence along Fifteenth  
 83 Street to Howard Street; thence along Howard Street to Fourteenth Street;  
 84 thence along Fourteenth Street to Mission Street; thence along Mission Street  
 85 to Ridley Street; thence along Ridley Street to Market Street; and thence  
 86 along Market Street to Sixth Street, the place of beginning. The Twenty-  
 87 first, of that portion of the City and County of San Francisco bounded and  
 88 described as follows, to wit: Beginning at the point where Channel Street  
 89 intersects the Bay of San Francisco; thence along Channel Street to Harrison  
 90 Street; thence along Harrison Street to Fifteenth Street; thence along Fif-  
 91 teenth Street to Howard Street; thence along Howard Street to Fourteenth  
 92 Street; thence along Fourteenth Street to Mission Street; thence along Mis-  
 93 sion Street to Ridley Street; thence along Ridley Street and the line of Rid-  
 94 ley Street, projected westerly, to the Pacific Ocean; thence southerly along  
 95 the Pacific Ocean to the southern boundary line of the City and County of  
 96 San Francisco; thence along said southern boundary line to the Bay of San

97 Francisco; and thence meandering along the waters of the Bay of San Fran-  
 98 cisco to Channel Street, the place of beginning. The Twenty-second, of Oak-  
 99 land Township, County of Alameda. The Twenty-third, of all that portion  
 100 of the County of Alameda exclusive of Oakland Township. The Twenty-  
 101 fourth, of the County of Santa Clara. The Twenty-fifth, of the Counties of  
 102 Merced, Mariposa, Stanislaus, and Tuolumne. The Twenty-sixth, of the  
 103 Counties of Tulare, Inyo, Fresno, and Mono. The Twenty-seventh, of the  
 104 Counties of Santa Cruz, San Mateo, and San Benito. The Twenty-eighth, of  
 105 the Counties of Santa Barbara, San Luis Obispo, and Monterey. The Twenty-  
 106 ninth, of the County of Los Angeles. The Thirtieth, of the Counties of San  
 107 Bernardino, San Diego, Kern, and Ventura.

SEC. 7. Each House shall choose its own officers, and judge of the  
 2 qualifications, elections, and returns of its own members.

SEC. 8. A majority of each House shall constitute a quorum to do  
 2 business, but a smaller number may adjourn from day to day, and may compel  
 3 the attendance of absent members in such manner and under such penalties  
 4 as each House may provide.

SEC. 9. Each House shall determine the rule of its own proceeding,  
 2 and may, with the concurrence of two-thirds of all the members elected,  
 3 expel a member.

SEC. 10. Each House shall keep a Journal of its own proceedings, and  
 2 publish the same, and the yeas and nays of the members of either House, on  
 3 any question, shall, at the desire of any three members present, be entered on  
 4 the Journal.

SEC. 11. Members of the Legislature shall, in all cases except treason,

2, felony, and breach of the peace, be privileged from arrest, and shall not be  
3 subject to any civil process during the session of the Legislature, nor for fif-  
4 teen days next before the commencement and after the termination of each  
5 session.

SEC. 12. When a vacancy occurs in either House, from any cause, dur-  
2 ing the session of the Legislature, the House in which said vacancy occurs  
3 shall proceed immediately to elect, from the constituency deprived of repre-  
4 sentation, a member to fill said vacancy for said session. If the Legislature is  
5 not in session at the time the vacancy occurs, the Governor, or the person  
6 exercising the functions of Governor, shall issue writs of election to fill such  
7 vacancy.

SEC. 13. The doors of each House shall be open, except on such occa-  
2 sions as in the opinion of the House may require secrecy.

SEC. 14. Neither House shall, without the consent of the other,  
2 adjourn for more than three days, nor to any other place than that in which  
3 they may be sitting.

SEC. 15. No law shall be passed except by bill. Any bill may origin-  
2 ate in either House, but may be amended or rejected by the other, and on the  
3 final passage of all bills they shall be read at length, and the vote shall be by  
4 yeas and nays upon each bill separately, and shall be entered on the Journal ;  
5 and no bill shall become a law without the concurrence of a majority of the  
6 members elected to each House.

SEC. 16. Every bill which may have passed the Legislature shall,  
2 before it becomes a law, be presented to the Governor. If he approve it, he  
3 shall sign it; but if not, he shall return it, with his objections, to the House  
4

4 in which it originated, which shall enter the same upon the Journal and pro-  
 5 ceed to reconsider it. If, after such reconsideration, it again pass both Houses,  
 6 by yeas and nays, by a majority of two-thirds of the members of each House,  
 7 it shall become a law notwithstanding the Governor's objection. If any bill  
 8 shall not be returned within ten days after it shall have been presented to him  
 9 (Sundays excepted), the same shall become a law in like manner as if he had  
 10 signed it, unless the Legislature, by adjournment, prevents such return, in  
 11 which case it shall not become a law, unless the Governor, within ten days  
 12 after such adjournment (Sundays excepted), shall sign and deposit the same  
 13 in the office of the Secretary of State, in which case it shall become a law in  
 14 like manner as if it had been signed by him before adjournment. If any bill  
 15 presented to the Governor contains several items of appropriation of money,  
 16 he may object to one or more items, while approving other portions of the bill.  
 17 In such case he shall append to the bill, at the time of signing it, a statement  
 18 of the items to which he objects, and the reasons therefor, and the appropria-  
 19 tion so objected to shall not take effect unless passed over the Governor's veto,  
 20 as hereinbefore provided. If the Legislature be in session, the Governor shall  
 21 transmit to the House in which the bill originated a copy of such statement,  
 22 and the items so objected to shall be separately reconsidered in the same man-  
 23 ner as bills which have been disapproved by the Governor.

SEC. 17. The Assembly shall have the sole power of impeachment, and  
 2 all impeachments shall be tried by the Senate. When sitting for that pur-  
 3 pose the Senators shall be upon oath or affirmation, and no person shall be  
 4 convicted without the concurrence of two-thirds of the members elected.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Con-  
 2 troller, Treasurer, Attorney-General, Surveyor-General, Justices of the  
 3 Supreme Court, and Judges of the Superior Courts, shall be liable to impeach-

ment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

SEC. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia, to which there is attached no annual salary, or local officers, or Postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

SEC. 21. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of such embezzlement or defalcation as a felony.

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, asso-

24  
 5 ciation, asylum, hospital, or any other institution, not under the exclusive  
 6 management and control of the State as a State institution, nor shall any  
 7 grant or donation of property ever be made thereto by the State. An accu-  
 8 rate statement of the receipts and expenditures of public moneys shall be  
 9 attached to and published with the laws at every regular session of the Legis-  
 10 lature.

SEC. 23. The members of the Legislature shall receive for their ser-  
 2 vices a compensation, per diem and mileage, to be fixed by law, and paid out  
 3 of the public treasury; but no increase of the compensation shall take effect  
 4 during the term for which the members of either House shall have been  
 5 elected.

SEC. 24. Every law enacted by the Legislature shall embrace but one  
 2 subject, which shall be expressed in the title, and no law shall be revised or  
 3 amended by reference to its title; but in such case the Act revised, or section  
 4 amended, shall be re-enacted and published at length as revised or amended.

SEC. 25. The Legislature shall not pass local or special laws in any of  
 2 the following enumerated cases, that is to say:

3 *First*—Regulating the jurisdiction and duties of Justices of the Peace,  
 4 Police Judges, and of Constables.

5 *Second*—For the punishment of crimes and misdemeanors.

6 *Third*—Regulating the practice of Courts of justice.

7 *Fourth*—Providing for changing the venue in civil or criminal cases.

8 *Fifth*—Granting divorces.

9 *Sixth*—Changing the names of persons or places.

10 *Seventh*—Vacating roads, town plats, streets, alleys, or public grounds  
 11 not owned by the State.

12 *Eighth*—Summoning and impaneling grand and petit juries, and pro-  
13 viding for their compensation.

14 *Ninth*—Regulating county and township business, or the election of  
15 county and township officers.

16 *Tenth*—For the assessment or collection of taxes.

17 *Eleventh*—Providing for conducting elections, or designating the places  
18 of voting, except on the organization of new counties.

19 *Twelfth*—Affecting estates belonging to minors or other persons under  
20 legal disabilities.

21 *Thirteenth*—Extending the time for the collection of taxes.

22 *Fourteenth*—Giving effect to invalid deeds, wills, or other instruments.

23 *Fifteenth*—Refunding money paid into the State treasury.

24 *Sixteenth*—Releasing or extinguishing, in whole or in part, the indebt-  
25 edness, liability, or obligation of any corporation or person to this State, or to  
26 any municipal corporation therein.

27 *Seventeenth*—Declaring any person of age, or authorizing any minor to  
28 sell, lease, or encumber his or her property.

29 *Eighteenth*—Legalizing, except as against the State, the unauthorized  
30 or invalid act of any officer.

31 *Nineteenth*—Granting to any corporation, association, or individual any  
32 special or exclusive right, privilege, or immunity.

33 *Twentieth*—Exempting property from taxation.

34 *Twenty-first*—Changing county seats.

35 *Twenty-second*—Restoring to citizenship persons convicted of infamous  
36 crimes.

37 *Twenty-third*—Regulating the rate of interest on money.

38 *Twenty-fourth*—Authorizing the creation, extension, or impairing of  
39 liens.

- 40      *Twenty-fifth*—Chartering or licensing ferries, bridges, or roads.
- 41      *Twenty-sixth*—Remitting fines, penalties, or forfeitures.
- 42      *Twenty-seventh*—Providing for the management of common schools.
- 43      *Twenty-eighth*—Creating offices, or prescribing the powers and duties
- 44 of officers in counties, cities, cities and counties, townships, election or school
- 45 districts.
- 46      *Twenty-ninth*—Affecting the fees or salary of any officer.
- 47      *Thirtieth*—Changing the law of descent, or succession.
- 48      *Thirty-first*—Authorizing the adoption or legitimation of children.
- 49      *Thirty-second*—Authorizing the laying out, opening, altering, or main-
- 50 taining roads, highways, streets, alleys, or public grounds.
- 51      *Thirty-third*—For limitation of civil or criminal actions.
- 52      *Thirty-fourth*—In all other cases where a general law can be made
- 53 applicable, no local or special law shall be enacted.

SEC. 26. The Legislature shall have no power to authorize lotteries or

2 gift enterprises for any purpose, and shall pass laws to prohibit the sale of

3 lottery or gift enterprise tickets, or tickets in any scheme in the nature of a

4 lottery, in this State. The Legislature shall pass laws to regulate or prohibit

5 the buying and selling of the shares of the capital stock of corporations in

6 any stock board, stock exchange, or stock market under the control of any

7 association. All contracts for the sale of shares of the capital stock of any

8 corporation or association, on margin or to be delivered at a future day, shall

9 be void, and any money paid on such contracts may be recovered by the party

10 paying it by suit in any Court of competent jurisdiction.

SEC. 27. When a congressional district shall be composed of two or

2 more counties, it shall not be separated by any county belonging to another

3 district. No county or city and county shall be divided in forming a con-

4 gressional district so as to attach one portion of a county or city and county  
5 to another county or city and county; but the Legislature may divide any  
6 county or city and county into as many congressional districts as it may be  
7 entitled to by law.

SEC. 28. The Legislature shall pass laws for the regulation and limita-  
2 tion of the charges for services performed and commodities furnished by cor-  
3 porations, and where laws shall provide for the selection of any person or  
4 officer to regulate and limit such rates, no such person or officer shall be  
5 selected by any corporation, and no person shall be selected who is an officer  
6 or stockholder in any corporation.

SEC. 29. Dues from corporations shall be secured by such individual  
2 liabilities of the corporators and other means as may be prescribed by law.  
3 The property of corporations now existing, or hereafter created, shall forever  
4 be subject to taxation, the same as the property of individuals, and the fran-  
5 chises of such corporations shall be assessed at their actual cash value, and  
6 taxed accordingly.

SEC. 30. The term corporations, as used in this article, shall be con-  
2 strued to include all associations and joint stock companies having any of the  
3 powers or privileges of corporations not possessed by individuals or partner-  
4 ships. And all corporations shall have the right to sue and shall be subject  
5 to be sued in all Courts, in like cases as natural persons.

SEC. 31. The Legislature shall have no power to pass any act granting  
2 any charter for banking purposes, but associations may be formed under  
3 general laws for the deposit of gold and silver and other lawful money of the  
4 United States; but no such associations shall make, issue, or put in circulation

5 any bill, check, ticket, certificate, promissory note, or other paper, or the paper  
6 of any bank, to circulate as money.

SEC. 32. The Legislature of this State shall prohibit by law any  
2 person or persons, association, company, or corporation, from exercising the  
3 privileges of banking or creating paper to circulate as money.

SEC. 33. Each stockholder of a corporation or joint stock association  
2 shall be individually and personally liable for his proportion of all its debts  
3 and liabilities contracted or incurred while he was a stockholder, and the  
4 trustees or directors of such corporation or association, and each of them, shall  
5 be responsible, individually, for the misappropriation by the officers thereof of  
6 the funds or deposits of such corporation or association.

SEC. 34. It shall be the duty of the Legislature to provide, by general  
2 laws, for the organization of city, town, and county governments, and for  
3 assessing and collecting taxes for the support of the same; *provided*, that no  
4 city, city and county, town, or county shall ever incur a debt which, together  
5 with existing indebtedness, shall exceed two per cent. of the assessed value of  
6 the property therein. Such value shall be ascertained from the assessment  
7 roll for State and county purposes made immediately previous to incurring  
8 such indebtedness; *provided, however*, that a city, city and county, town, or  
9 county may borrow money under and in accordance with the following condi-  
10 tions and limitations in addition to any other conditions and limitations con-  
11 tained in the Constitution, namely: The debt must be for some single work  
12 or object only, and must be authorized by a resolution passed by a vote of  
13 three-fourths of all the members elected to the Board of Supervisors, Com-  
14 mon Council, or local Legislature. Such resolution shall also distinctly specify  
15 the single work or object for which the debt is to be created, and the amount of

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16 the debt authorized, and shall contain provisions for a sinking fund to meet  
17 the same at maturity, and requiring at least ten per cent. of the principal to be  
18 annually raised by taxation and paid into the sinking fund. Such resolution  
19 shall not take effect until it shall be ratified at an election held in said city,  
20 city and county, county, or town, at which no other matter is voted upon, and  
21 which shall be held within — days after the passage of said order or resolu-  
22 tion. The Legislature shall make such laws as may be necessary to provide  
23 for holding such election and ascertaining the result thereof.

SEC. 35. In all elections by the Legislature the members thereof shall  
2 vote viva voce, and the votes shall be entered on the Journal.

SEC. 36. The general appropriation bill shall contain no item or  
2 items of appropriation other than such as are required to pay the salaries of  
3 the State officers, the expenses of the government, and of the institutions  
4 under the exclusive control and management of the State.

SEC. 37. Neither the Legislature, nor any county, city and county,  
2 township, school district, or other municipal corporation, shall ever make an  
3 appropriation, or pay from any public fund whatever, or grant anything to or  
4 in aid of any religious sect, church, creed, or sectarian purpose, or help to  
5 support or sustain any school, college, university, hospital, or other institu-  
6 tion controlled by any religious creed, church, or sectarian denomination  
7 whatever; nor shall any grant or donation of personal property or real estate  
8 ever be made by the State, or any city, city and county, town, or other munici-  
9 pal corporation, for any religious creed, church, or sectarian purpose what-  
10 ever.

SEC. 38. The Legislature shall have no power to give or to lend, or to  
2 authorize the giving or lending, of the credit of the State, or of any county,

30  
3 city and county, city, township, or other political corporation or subdivision  
4 of the State now existing, or that may be hereafter established, in aid of or to  
5 any person, association, or corporation, whether municipal or otherwise, or to  
6 pledge the credit thereof, in any manner whatever, for the payment of the  
7 liabilities of any individual, association, municipal, or other corporation. what-  
8 ever; nor shall it have power to make any grant, or authorize the making of  
9 any grant, of any public money or thing of value to any individual, municipal,  
10 or other corporation whatever; and it shall not have power to authorize the  
11 State, or any political subdivision thereof, to subscribe for stock, or to become  
12 a stockholder in any corporation whatever.

SEC. 39. The Legislature shall have no power to grant, or authorize  
2 any county or municipal authority to grant, any extra compensation or allow-  
3 ance to any public officer, agent, servant, or contractor, after service has been  
4 rendered, or a contract has been entered into and performed in whole or in  
5 part, nor to pay, or to authorize the payment of any claim hereafter created  
6 against the State, or any county or municipality of the State, under any agree-  
7 ment or contract made without express authority of law; and all such unauthor-  
8 ized agreements or contracts shall be null and void.

SEC. 40. The Legislature shall not ratify any amendment to the Con-  
2 stitution of the United States which may be proposed by Congress, except  
3 such as shall have been proposed and published at least thirty days next pre-  
4 ceding the general election for members of the Legislature ratifying such  
5 amendment.

SEC. 41. In case of a contested election in either branch of the Leg-  
2 islature only the claimant decided entitled to the seat shall receive from the  
3 State per diem compensation, or mileage.

SEC. 42. In order that no inconvenience may result to the public ser-  
2 vice from the taking effect of this Constitution, no officer shall be suspended or  
3 superseded thereby, until the election and qualification of the several officers  
4 provided for in this Constitution.

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to be used or to  
be used

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200/19

At twelve o'clock and  
 twenty-eight minutes the com-  
 mittee arose, reported progress  
 and asked leave to sit again

## Recess.

The hour of recess having  
 arrived the convention took  
 a recess till two o'clock P.M.

## Afternoon Session.

Convention took re-assembly  
 at two o'clock P. M.

President Hoze in the chair

Quorum present.

## Special Order.

The election of ~~de~~ to fill  
vacancies caused by the  
death of J. M. Strong of the  
County of Mariposa and  
Merced. and B. F. Kenney  
of San Francisco.

Mr Steel moved to indefi-  
nitely postpone the whole  
subject.

Members Howard, Brown, Condon,  
White, and Martin of Santa Cruz  
demanded the previous  
question which was  
ordered by the convention.

upon the motion of Mr Steel the  
ays and noes were deman-  
ded by Messrs Condon, Brown  
Gulley, O'Donnell and Hackell.

The roll was called  
and motion is indefinite  
by postpone prevailed by the  
following vote:

# Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes
ANDREWS		1	FAWCETT			LAVIGNE			SHOEMAKER		32
AYERS	1		FILCHER	24		LEWIS		25	SHURTLEFF		33
BARBOUR	2		FINNEY			LINDOW	38		SMITH	58	
BARNES	3		FREEMAN		9	MANSFIELD		26	SMITH	59	
BARRY	4		FREUD	25		MARTIN			SMITH	60	
BARTON	5		GARVEY		10	MARTIN	39		SMITH	61	
BEERSTECHEER	6		GLASSCOCK		11	MARTIN			SOULE		
BELCHER	7		GORMAN		12	McCALLUM	40		STEDMAN		34
BELL	8		GRACE	26		McCOMAS			STEELE	62	
BERRY			GRAVES			McCONNELL	41		STEVENSON	63	
BIGGS	9		GREGG	27		McCOY		27	<del>STEWART</del>		
BLACKMER		2	HAGER			McFARLAND			STUART	64	
BOGGS	10		HALE	28		McNUTT		28	SWEASEY	65	
BOUCHER			HALL			MILLER			SWENSON		35
BROWN		3	HARRISON	29		MILLS			SWING		
BURT	11		HARVEY	30		MOFFAT		29	TERRY		36
CAMPBELL	12		HEISKELL		13	MORELAND		30	THOMPSON	66	
CAPLES		4	HEROLD	31		MORSE	42		TINNIN		
CASSERLY			HERRINGTON			MURPHY			TOWNSEND	67	
CHAPMAN	13		HILBORN		14	NASON	43		TULLY		37
CHARLES	14		HITCHCOCK	32		NELSON	44		TURNER		38
CONDON	15		HOLMES		15	NEUNABER	45		TUTTLE	68	
COWDEN	16		HOWARD		16	NOEL			VACQUEREL	69	
CROSS		5	HUESTIS	33		O'DONNELL	46		VAN DYKE	70	
CROUCH		6	HUGHEY	34		OHLEYER	47		VAN VOORHIES	71	
DAVIS	17		HUNTER		17	O'SULLIVAN			WALKER		
DEAN S			INMAN	35		OVERTON	48		WALKER		39
DOWLING	18		JOHNSON		18	PORTER	49		WALKER		
DOYLE	19		JONES	39	19	PROUTY	50		WATERS		
DUDLEY			JOYCE	36		PULLIAM			WEBSTER	72	
DUDLEY	20		KELLY		20	REDDY		31	WELLER	73	
DUNLAP		7	<del>KELLY</del>			REED	51		WELLIN	74	
EAGON			KEYS		21	REYNOLDS	52		WEST	75	
EDGERTON			KLEINE	37		RHODES	53		WICKES	76	
ESTEY	21		LAINE			RINGGOLD	54		WHITE	77	
ESTEE	22		LAMPSON		22	ROLFE	55		WILSON	78	
EVEY		8	LARKIN		23	SCHELL			WILSON	79	
FARRELL	23		LARUE		24	SCHOMP	56		WILSON	80	
						SHAFTER	57		WINANS	81	
									WYATT		
									Mr. PRESIDENT		40

AYES

NOES

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Mrs. Jones gave notice of reconsideration of the vote on indefinite postponement of the question of filling vacancies.

Committee of the whole.

On Motion of Mr. Gerry the convention resolved itself into Committee of the whole - President Hoze in the Chair - to further consider the article on Legislative Department.

At four o'clock and eight minutes P.M. the Committee arose reported progress and ~~recommended~~ <sup>and recommended</sup> ~~to sit again.~~  
That section five be referred

to the Committee on Legislation  
Department.

In Convention.

Mrs. Reynolds moved that  
Section five of the article  
on Legislative Department  
be referred to the Com-  
mittee on Legislation  
Department with in-  
structions to restore the  
section as originally  
reported by said com-  
mittee.

Amendment by Mrs. Myers  
Instruct the Committee

on Legislative Department  
to adjust their report so  
that there shall be 40  
senators and 120  
assemblymen

Mr. Belcher moved <sup>to amend</sup> that the  
committee adjust the  
section to the amendment  
as adopted in committee  
of the whole, of forty senators  
and 80 assembly men.

Adjournment  
at four o'clock and twenty  
five minutes P. M. on  
motion of Mr. Wilson the  
convention adjourned

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